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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Liberation, a non-governmental organization on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[13 February 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Human Rights defenders

The Saharawi political prisoners, who are still imprisoned in Sale City local Prison since 2010-2011, are serving very long and hard sentences ranging between 20 years imprisonment to life sentence. This unbearable harsh verdict stems from the fact that they have been all human rights activists who participated in the biggest peaceful protest ever that was held in the outskirts of Laâyoun, known as the Gdaim Izik camp in October 2010.

In this infamous event, more than 20.000 Saharawi people decided to leave the city to the Camp instaled in Agdeim Izik, in sign of protest over the painful and intolerable socio-economic situation. For a month of protest, this camp was brutally dismantled causing a great deal of causalities among civilians. The groups of 21 Saharawi political prisoners are civilians brought before a military court. Right now, they just finished serving five years in prison, and still have many years to come to serve for some of them.

Despite the reporting and the recognition by the international community of the illegality of this trial which was merely based on confessions extracted under extreme torture, far from any credible evidence. These obvious inhuman torture cases were reported to the Committee against Torture. They include: techniques of suffocation, electrocution, rape with objects like broken bottles and chair legs, cigarette burns, forced extension of the male members, intake of urine and feces, burns and poisoning with chemical products and pulling out nails....etc.

These cases of torture resulted in permanent scars, exhibited by the prisoners in the court and witnessed by more than 40 international observers. Despite the calls of the prisoners to the judge to investigate their claims and suffering, the latter denied any medical expertise. The Moroccan Parliament itself passed a law in August 2014 outlawing this type of trial, which meant that either political prisoners would be released or moved to a new trial in a civil court. Yet, this was not done and the process in the Parliament is still waiting for ratification from the higher chamber.

The situation in the prisons where Saharawi political prisoners are held, have not improved. The degrading and ill treatments continue on a daily basis against them. Medical assistance is denied to most of them and when they receive some kind of medical attention, it remains inadequate, insufficient, and in some cases, the medicines that they receive are completely unrelated to the illnesses they have.

The international community has to intervene in order to put an end to the violations committed by Moroccan judiciary in implementing the criminal law, and which is applicable to the people of Western Sahara.

The international instruments signed and ratified by Morocco, such as the International Convention on the Elimination of All Forms of Racial Discrimination (1966), the international Agreements on Civil and Political Rights, the international Agreement on Economic, Social and Cultural rights (1966), the Agreement for the Prevention and Sanction of the Crime of Genocide and Crime of Tortures, (ratified by Morocco in 1950) are totally ignored and violated by Morocco. The well known Saharawi political prisoners of the Gdaim Izik have to be freed at once. Their trial was null and void under international law.

As many other cases, this group have been subjected to all forms of psychological and physical abuses. Furthermore, Liberation requests the UN Working group for arbitrary detention to visit all the detention centres in Morocco and other countries where there are the detainees.

We also call to the Human Rights Council to call for the extension of the Mandate of the MINURSO to include the monitoring and the protection of human rights in Western Sahara which must not be a lawless area. This situation exists and persists because of the lack of the political will and the lack of compliance with the international law, particularly the relevant UN resolutions that recognize the right of self-determination of the Saharawi People and call for its implementation.